

### **REMARKS**

In the office action that was mailed November 28, 2007, the drawings were objected to as not showing keys that are recited in claim 44 as having numbers “associated” with them. The drawings were also objected to because limitations in three different claims were not shown. In claim 109, the limitation of “the second height different than the first height” was not shown; in claim 111, the first height of the right side face said first upraised key varying as a function of position between the rear and front faces” was not shown; in claim 114, the second height of the left hand side face of said second upraised key...” was not shown.

Claims 109-115 were rejected under 35 U.S.C. §112, ¶1. The office action stated that the limitation of, “the second height different than the first height,” is not disclosed in the specification.

Claims 44-45, 47-52, 56-59, 64, 68-69, 75-77, 79-86, 90-105, and 107-108 were rejected under §103(a) on the combined teachings of Lieberman and Hughes.

Claims 53-55 and 60-63 were rejected under §103(a) on the combined teachings of Lieberman, Hughes and U.S. patent 5,416,730 to Lookofsky.

Claim 71 was rejected under §103(a) on the combined teachings of Lieberman, Hughes and U.S. patent 6,047,047 to Aldridge et al.

Claims 65-66, 70, 72-74, 87-88 and 109-117 were rejected under §103(a) on the combined teachings of Lieberman, Hughes and U.S. patent 5,500,643 to Grant.

Claims 65, 67, 106 and 109-117 were rejected under §103(a) on the combined teachings of Lieberman, Hughes and U.S. patent 5,336,001 to Lichtenberg.

In response to the office action, claim 44 has been amended to traverse the rejections that were made under 35 U.S.C. §103(a). As for the rejection of claims 109-115 under 35 U.S.C. §112, ¶1, independent claim 109 has been cancelled without prejudice. Since claims 110-117 depended from claim 109, they have also been cancelled without prejudice. The subject matter of claims 109-117 is not dedicated to the public. The Applicant reserves the right to re-submit those claims at a later date.

Referring now to the drawing objections, claim 44 has been amended to delete the language that was objected to by the Examiner. Claim 44 has been amended to define the

keyboard as being a complete alphanumeric keyboard laid out in the QWERTY style. Support for the amendments to claim 44 can be found on pages on page 12, lines 13-16 and in FIG. 2 of the originally-filed application.

While not conceding the merits of the objection to the drawings, in the interests of expediting prosecution, Applicant has deleted the language of claim 44, which the Examiner cited in the objection. Applicant states that this amendment to claim 44 has not been made in response to any cited art. Applicant respectfully asserts that the objection to the drawings, based on the language of claim 44, is now moot. Accordingly, Applicant requests withdrawal of the objection.

As for the drawing objections based on claims 109, 111 and 114, as stated above, claims 109-117 have been cancelled, without prejudice. The corresponding drawing objection and the rejection of claims 109-115 under 35 U.S.C. §112 are thus both rendered moot.

Referring now to the rejections that were made under 35 U.S.C. §103(a), the preamble of claim 44 has been amended so that independent claim 44 calls for a dual-mode communications device. The preambles of the dependent claims have also been amended to make them consistent with the amended preamble of claim 44.

The apparatus of claim 44 is claimed as being comprised of a single housing. The claim also calls for the housing to be formed such that it has a front surface that is continuous. Merriam-Webster defines “continuous” to mean, “uninterrupted extension in space, time, or sequence.” The claim language, which recites that the front surface is both single and continuous requires the front surface to be uninterrupted. Note, however, the claim recites that the keys of the keyboard protrude through and extend above the front surface, as shown in FIG. 3 and FIG. 4. The claim also calls for several components to be “mounted” in the front surface.

Support for the limitation that calls for the front surface to be “continuous” is inherently disclosed in the figures, copies of which are provided below for the Examiner’s convenience. As can be seen below, except for openings in the front surface 10F that accept the keys and display, the front surface 10F is a single and continuous surface, i.e., seamless. No new matter has been added.

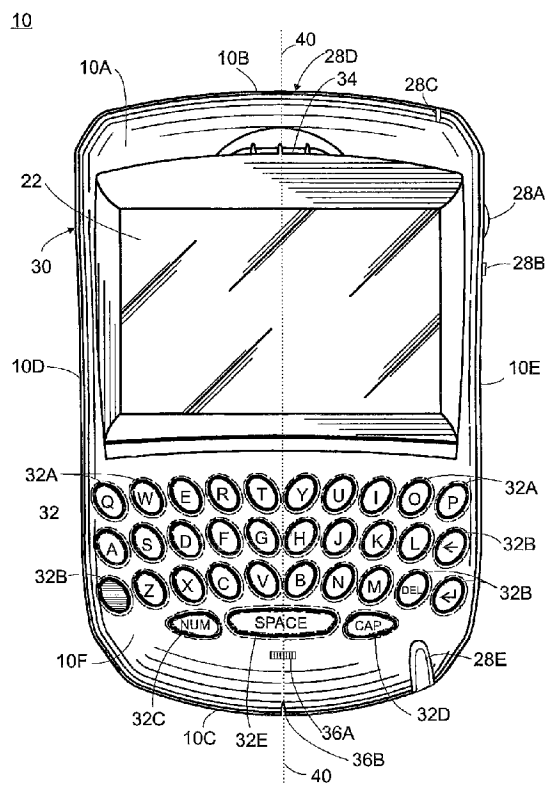


FIG. 2

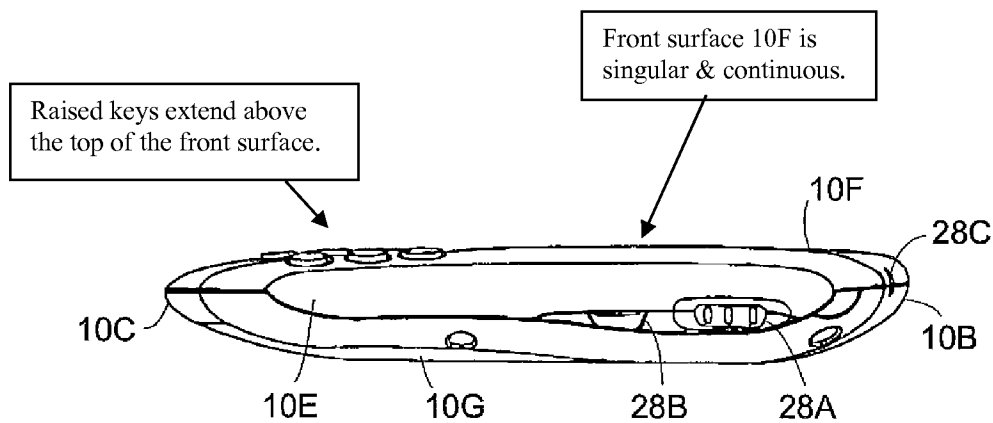
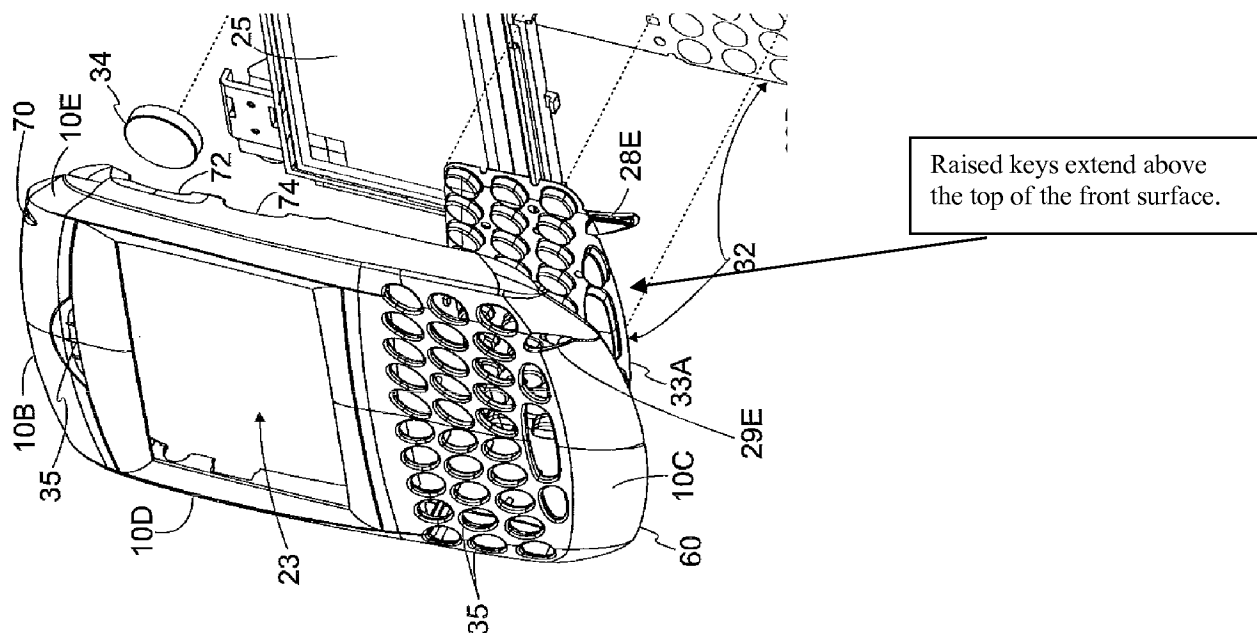


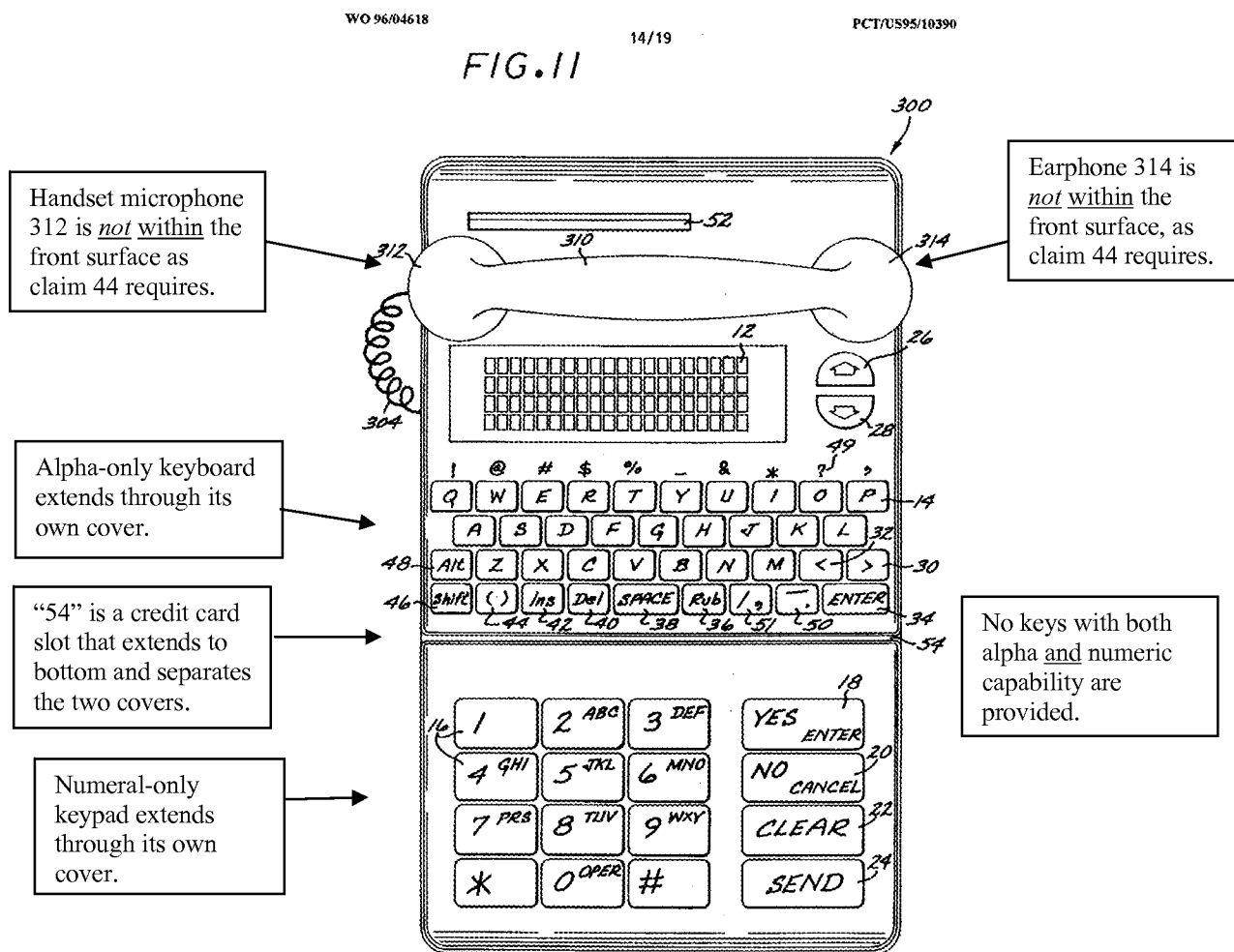
FIG. 4

Claim 44 has also been amended to call for a speaker, a microphone, a display and the keyboard to be mounted within the single and continuous front surface, as is stated in lines 5-10 of page 14 and as shown in FIG. 8. The claim also recites that the keys of the keyboard extend *through* the front surface, as is shown in FIG. 4, above and as is shown in FIG. 8, an excerpt of which appears below.



Referring now to the prior art rejections, the Examiner acknowledged that Lieberman fails to disclose the device as a single device and therefore relied on Hughes as ostensibly showing a dual mode mobile communication device having elements integrated into a single piece. A close review of Hughes however, reveals that it discloses two separate front covers, each of which has a corresponding front surface that is separate from the other. The two housings and the two corresponding surfaces of the two housings of Hughes are separated from each other by a credit card slot that is identified by reference numeral 54. The slot 54 of the device Hughes extends all the way to the bottom of the device. As can be seen below, Hughes does not show or suggest, nor does any other reference or combination of references show or

suggest a single, continuous, front surface in which there is mounted a speaker, a microphone, a display and one, complete, alphanumeric keyboard laid out in the QWERTY style.

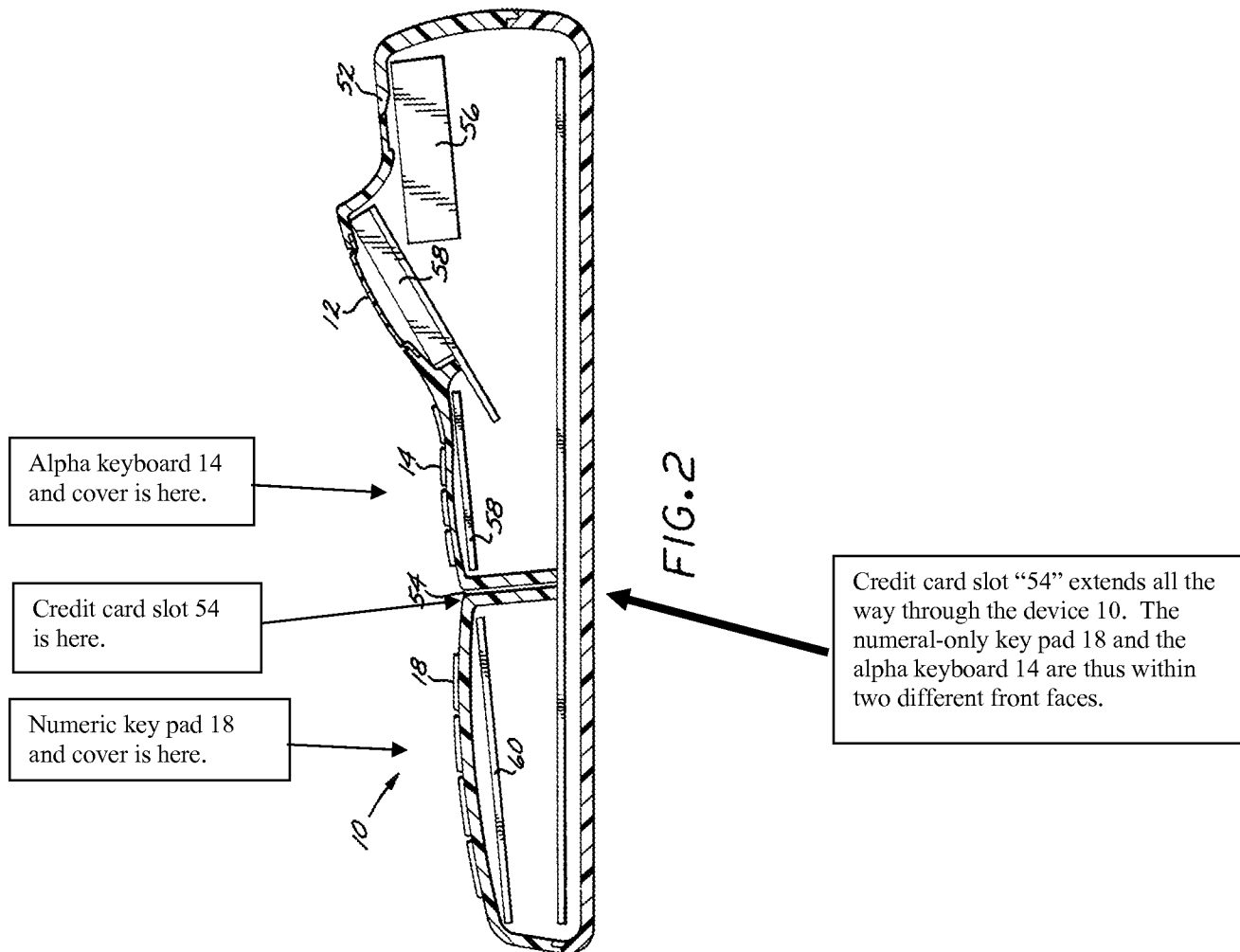


As can be seen in FIG. 11 of Hughes above and in FIG. 2 below, a credit card slot 54 is located between and physically separates the numeral key pad 18 and the alpha keypad 14. Stated another way, Hughes does not have a single and continuous front surface in which one, complete alphanumeric keyboard is mounted, which amended claim 44 requires.

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The structure of the present invention provides a hand-holdable device that necessarily must be of compact dimensions. The apparatus of Lieberman provides two keypads in two separate covers. The terminal disclosed in Hughes does not provide a single, full-function QWERTY keyboard in a single and continuous front surface. Stated another way, no reference or combination of references shows or suggests the subject matter that is recited in amended claims 44 and 104. Claims 44 and 104 are therefore in condition for allowance. Claims that depend from the independent claims are therefore also in condition for allowance.

In addition to the above-identified amendments to claim 44, claim 45 has been amended to recite that the continuous front surface is “substantially planar” where the keys of the keyboard extend through the front surface, as shown in FIG. 8. No new matter has been added.

Claim 55 has been amended to correct the spelling of “NUM” in “NUM lock.”

Claim 85 has been cancelled because most of its limitations have been subsumed into claim 44.

Independent claim 104 has been amended to make its scope consistent with claim 44. The amendments to claim 104 are supported by the same material that supports the amendments to claim 44.

Claim 105 has been cancelled because its limitations are subsumed into claim 104.

Claims 109-117 have been cancelled without prejudice. Applicant expressly reserves the right to present those claims for examination at a later date.

The pending claims are in condition for allowance. Their reconsideration is respectfully requested.

Respectfully submitted,

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